

RECEIVED
CENTRAL FAX CENTER

JUL 12 2005

MARTIN & FERRARO, LLP
1925 Century Park East, 17th Floor
Los Angeles, California 90067

Telephone
(310) 286-9800

Facsimile
(310) 286-2795

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3731 Examiner Uyen Ho

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/090,506

Gary K. Michelson

Filed: February 27, 2002

MILLING INSTRUMENTATION AND METHOD
FOR PREPARING A SPACE BETWEEN
ADJACENT VERTEBRAL BODIES

Attorney Docket No. 101.0054-03000

Customer No. 22882

Confirmation No.: 7817

FROM:

Name: Amedeo F. Ferraro

Phone No.: 310-286-9800

No. of Pages (including this): 13

Date: July 12, 2005

Confirmation Copy to Follow: NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on July 12, 2005.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

FORM PTO-1083

Attorney Docket No.: 101.0054-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/090,506

Filed: February 27, 2002

For: MILLING INSTRUMENTATION AND METHOD
FOR PREPARING A SPACE BETWEEN
ADJACENT VERTEBRAL BODIES

Confirmation No.: 7817

Art Unit: 3731

Examiner: Uyen Ho

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated April 12, 2005 in the above-identified application.

☒ No additional fee is required.☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTR. 1*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	42	48	0	LG=\$50 SM=\$25	\$60 \$ 0
INDEPENDENT CLAIMS FEE	2	3	0	LG=\$200 SM=\$100	\$200 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS				LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180	\$ 0
				TOTAL	\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☐ The total amount of \$_____ to cover the above fees is to be charged to Deposit Account No. 50-1068.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17Respectfully submitted,
MARTIN & FERRARO, LLP

Date: July 12, 2005

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030By: Amedeo F. Ferraro
Registration No. 37,129

Transmittal of Amendment.DOC

FORM PTO-1083

Attorney Docket No.: 101.0054-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/090,506

Filed: February 27, 2002

For: MILLING INSTRUMENTATION AND METHOD
FOR PREPARING A SPACE BETWEEN
ADJACENT VERTEBRAL BODIES

Confirmation No.: 7817

Art Unit: 3731

Examiner: Uyen Ho

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated April 12, 2005 in the above-identified application.

☒ No additional fee is required.☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	42	-	48	0	LG=\$50 SM=\$25	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$200 SM=\$100	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$560 SMALL ENTITY FEE = \$180	\$ 0
					TOTAL	\$ 0

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

☐ The total amount of \$_____ to cover the above fees is to be charged to Deposit Account No. 50-1068.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17Respectfully submitted,
MARTIN & FERRARO, LLP

Date: July 12, 2005

1557 Lake O'Pines Street, NE
Hartsville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

By:

Amedeo F. Ferraro

Registration No. 37,129

Transmittal of Amendment.DOC

PATENT
Attorney Docket No. 101.0054-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

JUL 12 2005

In re Application of:)	Confirmation No.: 7817
Gary K. Michelson)	
Serial No.: 10/090,506)	Group Art Unit: 3731
Filed: February 27, 2002)	Examiner: Uyen Ho
For: MILLING INSTRUMENTATION)	
AND METHOD FOR PREPARING)	
A SPACE BETWEEN ADJACENT)	
VERTEBRAL BODIES)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated April 12, 2005, please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Amendment 7-12-05.doc